

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
FELIPE ROBLES VASQUEZ p/k/a RALDY
VASQUEZ and CAMPESINO ENTERTAINMENT 06 Civ. 0619 (CM)
GROUP, INC.,

Plaintiffs,

-against-

Affidavit In Support

FERNANDO TORRES NEGRON, TOMARA
SOSA-PASCUAL and JULIO DE LA
ROSA-RIVE,

Defendants.

-----X

State of New York

County of New York) ss.:

James B. Sheinbaum, being duly sworn, deposes and says:

1. I am a member of Borstein & Sheinbaum, attorneys for
Plaintiffs in the above captioned action, and am familiar with
the following facts and circumstances.

2. I submit this affidavit in support of Plaintiffs' motion
for an order: (a) pursuant Fed.R.Evid. 201(d) taking judicial
notice of certain adjudicative facts, (b) to Fed.R.Civ.P.
15(a)(2) granting Plaintiffs leave to amend the Complaint in this
action to add and include a count for unjust enrichment and (c)
for such other and further relief as may be just and proper.

The Court Is Requested To Take Judicial
Notice Of The Following Adjudicative Facts

3. Pursuant to Fed.R.Evid. 201(d), the Court is requested to take judicial notice of the following adjudicative facts:

(a) United States Copyright Registration No. Pau 2-624-261 covering "Noche de Fiesta" and listing Defendant Fernando Torres-Negron as the sole author was issued on January 31, 2002 and that that Copyright Registration has not been annulled or cancelled as of the date of the commencement of the trial of this Action as reported on the Copyright Office Website. Ex. A. (A copy of the U.S. Copyright Registration Pau-2-624-261 effective date of registration 1/31/02 and printout from U.S. Copyright Public Catalog on line dated April 18, 2008 are attached hereto as Exhibit A).

(b) Defendant Torres-Negron commenced the action captioned Fernando Torres-Negron v. J&N Publishing, et al., 05 Civ. 1216 (JAG) (D. Puerto Rico) ("2005 Puerto Rican Action") in February 2005. Ex. B. (A copy of the Complaint in the 2005 Puerto Rican Action dated February 25, 2005 (Dk. No. 1), is attached hereto as Exhibit B).

(c) The Amended Complaint dated July 11, 2005 and its contents in the 2005 Puerto Rican Action. Ex. C. (A copy of the Amended Complaint in the 2005 Puerto Rican Action, dated July 11,

2005 (Dk. No. 6), is attached hereto as Exhibit c).

(d) The Order of Judge Jay A. Garcia-Gregory and contents thereof in the 2005 Puerto Rican Action dated March 27, 2008 (Dk. No. 58). Ex. D. (A copy of the Order dated March 27, 2008 (Dk. No. 58) is attached hereto as Exhibit D).

(e) The Judgment based on Order of Judge Jay A. Garcia-Gregory dated March 27, 2008 and contents thereof in the 2005 Puerto Rican Action dated March 27, 2008 (Dk. No. 59). Ex. E. (A copy of the Judgment dated March 27, 2008 (Dk. No. 59) is attached hereto as Exhibit E).

(f) The Stipulated Facts contained in ¶¶ 1 through and including 54 of the Pretrial Order in this Action dated January 19, 2007, Dk. No. 37 at 4-11. Ex. F. (A copy of the Stipulated Facts ¶¶ 1-54 is attached hereto as Exhibit F).

(g) The May 24, 2006 decision in Torres Negrón v. Rivera, 02 Civ.-1728 (HL) (D. Puerto Rico) reported at 433 F.Supp.2d 204 (D. Puerto Rico) (Laffitte, D.J.).

(h) The October 2, 2007 decision in Torres Negrón v. J&N Records, LLC, reported at 504 F.3d 151 (1st Cir. 2007).

(i) The Complaint in this Action and its contents, Dk. No. 1 in this Action.

(j) The Answer in this Action and its contents, Dk. No. 20 in this Action.

(k) The settlement agreements in issue in this Action and

their contents between Defendant and EMI Latin, SonyBMG Music Entertainment US Latin LLC and Universal Music & Video Distribution Corp. and copies of which filed under seal as part of Plaintiffs' opposition to Defendant's motion for summary judgment in this Aciton, Dk. No. 41 at exhibits.

(1) Dk. No. 50 in this Action and its contents which is reported at Vasquez v. Torres-Negron, 2007 WL 2244784 (S.D.N.Y. July 11, 2007) (McMahon, D.J.).

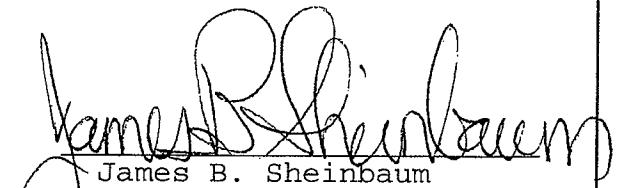
Plaintiffs' Motion To Amend The Complaint

4. Plaintiffs request leave to amend the Complaint in this action to add a count for unjust enrichment.

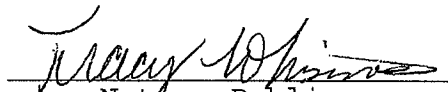
5. A copy of the proposed Amended Complaint is attached hereto as Exhibit G.

6. The Court is respectfully referred to Plaintiffs' accompanying Memorandum Of Law In Support of Plaintiffs' Motion Requesting Judicial Notice of Adjudicative Facts and To Amend The Complaint for the facts, circumstances, arguments and legal authorities supporting Plaintiffs' motion.

WHEREFORE, it is respectfully requested that this motion be granted in all respects.


James B. Sheinbaum

Sworn to before me this
18th day of April, 2008


Notary Public

TRACEY WHISNANT
Commissioner of Deeds
City of New York - No. 4-5369
Certificate Filed in New York County
Commission Expires May 1, 2008